



RCE  
JF

PATENT  
ATTORNEY DOCKET NO.: 044574-5040-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Patrick C. KUNG et al.

Application No.: 09/830,033

Group Art Unit: 1631

Filed: October 22, 2001

Examiner: Cheyne D. Ly

For: PHYTOMICS: A GENOMIC-BASED APPROACH TO HERBAL COMPOSITIONS

MAIL STOP RCE  
U.S. Patent and Trademark Office

Sir:

**REQUEST FOR CONTINUED  
EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted:
- i. ☐ Please enter and consider the Response under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
- ii. ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ other \_\_\_\_\_
- b. ☒ Enclosed:
- i. ☒ Preliminary Amendment
- ii. ☒ Declaration under 37 CFR 1.132 with  
Exhibit A – Curriculum Vitae of Dan Theodorescu  
Exhibit B – Bigler *et al.*, (2003), Onogene, 22: 1261-1272
- iii. ☒ Information Disclosure Statement
- iv. ☒ Form 1449
- v. ☒ 1 reference cited on Form 1449

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## 2. Fees Calculation

## a. RCE Fee required under 37 C.F.R. § 1.17(e)

- ☐ \$790.00  
☒ \$395.00 (for small entity)

## b. Additional Claims

| CLAIMS AS AMENDED                                     |   |       |                                |                  |                |            |
|---|---|-------|--------------------------------|------------------|----------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of     | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 3   | minus | 81                             | 0                | x \$50 each =  | + \$       |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 1   | minus | 18                             | 0                | x \$200 each = | + \$       |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$360.00       | + \$       |
| SUB-TOTAL =   |   |       |                                |                  |                | \$         |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |                | - \$       |
| TOTAL FEE =   |   |       |                                |                  |                | \$0        |

## c. Extension of Time

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

| <u>Total Months<br/>Requested</u>               | <u>Fee for<br/>Extension</u> | <u>Fee for Small<br/>Entity</u> |
|---|------------------------------|---------------------------------|
| <input checked="" type="checkbox"/> five months | \$ 2,160.00                  | \$ 1,080.00                     |

The extension of time fee for this request: \$1,080.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Payment

- ☒ The Director is hereby authorized to charge the Deposit Account No. 50-0310 in the total amount of \$1,475.00 (representing the RCE filing fee and a five-month Extension of Time).
- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN LEWIS & BOCKIUS LLP**

By: Erich E. Veitenheimer  
Erich E. Veitenheimer  
Reg. No. 40,420

Dated: March 16, 2005

Customer No. 009629  
MORGAN LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000 (phone)  
202-739-3001 (fax)